

S P E E C H

OF

HIRAM KETCHUM, ESQ.

BEFORE A

COMMITTEE OF THE SENATE OF THE STATE OF NEW-YORK,

IN RELATION TO THE

PUBLIC SCHOOLS OF THE CITY OF NEW-YORK,

AND IN REPLY TO THE

REPORT OF THE HON. JOHN C. SPENCER,

SUPERINTENDENT OF COMMON SCHOOLS,

ON THE SAME SUBJECT.

NEW-YORK.

1841.

AVERY ARCHITECTURAL AND FINE ARTS LIBRARY
GIFT OF SEYMOUR B. DURST OLD YORK LIBRARY

SPEECH.

IN SENATE: *Albany, May 8th, 1841.*
COMMON SCHOOL MONIES.

Speech of Hiram Ketchum, Esq., before the committee on Literature, (composed of Senators Root, Hunter and Verplanck,) in behalf of the Public School Society of the City of New-York, relative to the plan and report of the Secretary of State respecting the distributions of the Common School Monies in that city.

Mr. Ketchum rose and addressed the committee as follows:

Mr. Chairman and Gentlemen of the Committee: As a member of the Board of Public Schools of the city of New-York, and in behalf of the Public School Society, I now appear here; and I will, by leave of the committee, make a few remarks upon the report which has been referred to it. The subject discussed in this report is one of great interest to the city of New-York. It affects the cause of education, and especially of the education of the poor; and as the Public School Society has long had the principal charge of that matter, and as they believe that the statements, the inferences, and the reasoning contained in this report of the Secretary of State, are calculated to affect injuriously that cause, they have prayed that their views might be laid before the Senate, and sent in their memorial to that effect. The Senate having appointed a committee to hear the Public School Society, I now appear to make such remarks as occur to me—premising that, probably, at no very late day, the Society, by way of memorial or remonstrance, will lay their objections to this report before the Senate and the public, in a more permanent form, than they will now be presented to the committee.

In this report, drawn up with great ability, as every paper and document emanating from the Secretary of this State is drawn up; in this report, I say, there is contained a brief history of the legislation upon the subject of the distribution of the school monies in the city of New-York. As this passage occupies but a short space, I will take leave to read it. At page 2, the Secretary says:

"It is essential to the proper consideration of the subject to understand the history of the legislation that has been had in reference to it; and particularly in relation to the Public School Society of the city of New-York.

"The first law relating to that portion of the school monies apportioned to and raised in the city of New-York, was passed in 1813, and will be found in the first volume of the Revised Laws of that year, at page 267. It directed those monies to be distributed to the trustees of the Free School Society, the Orphan Asylum Society, the Economical School, the African Free School, and the trustees of such incorporated religious societies in said city, as now support, or hereafter shall establish charity schools within the said city, who may apply for the same." The act directed that the sum thus distributed should be applied to the payment of the wages of the

teachers, and to no other purposes whatever. As these were all charity schools, it is obvious that the Legislature intended that the school monies apportioned to the city, as well as those raised by tax, should be consecrated to the education exclusively of the indigent. Under this act, apportionments were annually made to the schools enumerated, and to those established by some eight or ten of the different religious denominations, until the year 1824. By chapter 276 of the Session Laws of that year, the above mentioned act was repealed, and the common council of the city was authorized to designate "the societies or schools which should be entitled to receive a share of the school monies, and prescribe the rules and restrictions, under which such monies shall be received by such societies or schools respectively." Pursuant to this act, the common council have designated the schools of the Public School Society, and six or eight other schools, to which all the public monies have, since 1826, been distributed, with some variations in different years, as to the other schools. From the annual reports and other documents, a statement has been compiled, from which it appears that more than one million of dollars has been paid to the trustees of the society, under its different names, since 1813, out of the public monies appropriated by the State, and raised by tax on the city for school purposes, and that \$123,248 57, have been paid to the other schools before mentioned.

"The Public School Society was originally incorporated in 1805, by chapter 103 of the laws of that session, which is entitled "An act to incorporate the society instituted in the city of New-York, for the establishment of a free school for the education of poor children, who do not belong to, or are not provided for by any religious society." In 1808 its name was changed to "The Free School Society of New-York;" and its powers were extended "to all children who are the proper subjects of a gratuitous education." By chapter 25 of the laws of 1826, its name was changed to "The Public School Society of New-York;" and the trustees were authorized to provide for the education of all children of New-York, not otherwise provided for, "whether such children be or be not the proper subjects of gratuitous education; and to require from those attending the schools, a moderate compensation; but no child to be refused admission on account of inability to pay."

This brief history of the distribution of the school monies in the city of New-York (continued Mr. K.) is accurate so far as it goes; but the Secretary has left out some particulars which we deem of some importance in this discussion.

In the first place:—these monies were originally appropriated to the payment of teachers, and to no other purpose; but after the Lancasterian system of education had been introduced into the city of New-York and the Free School Society had been established, it was found that, under the monitorial system, so great was the number of children attending these schools, that a larger amount of money was

drawn from the public school fund than was necessary to pay the teachers; and in the year 1817 the surplus was permitted by the Legislature to be appropriated by the Public School Society for the purchase of books, and stationary, and other incidental expenses attending the education of children; so that, from that time, the Public School Society drew its quota, and applied it not only to the payment of teachers, but also to those other purposes which I have named. This privilege was at that time enjoyed exclusively by the Public School Society; and I suppose that the principle upon which the exclusive privilege was granted, was that the Free School Society—for so it was then called—was incorporated exclusively for the purposes of education, and of educating poor children, and there was, therefore, in the constitution of the Society itself, in the act of its incorporation, no inducement or motive for mal-application or misappropriation of the funds; and hence it was, I presume, that the Legislature in its wisdom saw no danger in trusting whatever funds were drawn by that institution, to be applied not only to the payment of teachers, but for the general purposes of education.

This, then, is one omission which the Secretary has made.

The second omission is, that the Secretary has not attempted to account (as I think he should have done) for the reason why the public school monies in the city of New-York were differently applied from those in the country. In the country, as the Committee well know, the amount, as in the city, received from the common school fund is paid over to the proper officer in the county. The county has to raise by tax an amount equivalent to the sum thus received, and then it passes into the hands of Commissioners chosen by the people in their respective Districts. In the city of New-York, however, no legislation of that description was provided. The money was paid over to the Chamberlain, and the Chamberlain was directed to pay it to certain designated societies—of which the School Society was one, and all religious societies maintaining charity schools; the Orphan Asylum and some others being specified.

Now, it seems to me that in order to have presented the subject fairly and fully, the Secretary should have accounted for this difference. I will attempt to account for it now. In the country, that portion of the common school fund which goes to each county, is paid as a sort of premium or *advance* to induce the establishment and maintenance of common schools. The state says to the respective counties, we will give you so much; and this is given as an *advance*, or premium, or bonus, for the establishment and maintenance of these Common Schools throughout the country. In the country, the schools so established and so participating in this fund, are the schools in which the children of the county—the children of the poor of the county—as well as the offspring of persons of property, generally receive their elementary education. The tax-paying part of the community—those who are called upon to raise this equivalent tax, (in the first place, in order to receive the fund from the State, and in the second place to provide for the erection of school houses in the respective school districts)—this tax-paying part of the community, I say, have for the most part, their own sons and daughters educated in these very schools which are established and maintained by this money. Therefore, it will be plainly seen that this tax-paying community which and which alone elects the Commissioners in towns—which alone elects the Trustees in districts, have a direct personal interest in electing suitable persons; because those very persons are to take charge of the education of their

children. There is probably very little danger that any thing like party politics will mingle up in the election of these officers—because these very officers are to perform a most important and interesting duty to the children of the very men who are called upon to pay the tax. Not so in the city of New-York.—There, by the law enacted in the year 1813, this fund was originally expressly appropriated to the education of the indigent—of the poor—of the children of those who do not pay tax—to those who are the proper subjects of gratuitous education; and none but charity schools, none but the children of the poor, none but the proper subjects of a gratuitous education were to be benefited at all by this portion of the fund so received from the State, and by the equivalent portion so raised by tax. To this the tax-payers in the city of New-York consented; because if the first objection to such a law had been made on the part of that city, it would not have passed in this form. This was undoubtedly a matter made to fall in or acquiesce with the wishes of the delegation from the city of New-York; because the Legislature never would have undertaken, without such acquiescence, to have made that distinction; therefore, I say, that the citizens of New-York, through their representatives here, consented that the bread which the State had provided for their own children should be given to the poor; they voluntarily parted with it, and gave it to the indigent among them.

Thus, then, we see that the fund was given to the indigent by those who spoke for the people of the city of New-York in the Legislature; and I have but this hour heard that a man whose name is dear to us all—De Witt Clinton—was the man who principally represented the wishes of city of New-York at that time. It was De Witt Clinton that spoke in behalf of the city of New-York—who made this provision.

And inasmuch as this was a gratuity, a charity for the poor people of that city, she chose that the money should pass through the hands of certain almoners of her own choice. She chose that the Free School Society, the Orphan Asylum Society, the religious bodies which maintained schools there, at that time, should be her almoners. Suppose, at that day, it had been proposed, as it is now proposed, by the Secretary, that the people should choose commissioners—that the tax-paying portion of this people (because none others then were, or now are, entitled to vote on these matters in the country) should choose commissioners, there was lacking that powerful motive which would influence freeholders, and the tax-paying portion of the community, to elect proper men for the performance of this duty—the motive which was to be found in the fact, that their own children were to be educated by these very persons. This probably may account very sensibly for the fact that in the city of New-York the portion of the school fund allotted to her was to be distributed by these almoners of her charity whom her representatives thought proper to designate. Now, I ask, was there any thing inconsistent with sound principle in this? Is there any thing in it which violates the principle of the largest liberty, and the purest democracy, of which we hear something in this Report? In the city of New-York, as I shall have occasion to show by-and-by—and more or less I suppose it is so in all the states of Christendom—there are voluntary associations—charitable associations—associations composed of men, incorporated or otherwise, who are willing to proffer their services; to feed the hungry; to clothe the naked; to visit the destitute, and to see to the application of funds set apart for their relief. Such men are always to be found in large cities; men of fortune, men of leisure, men of benevolence, who are willing to associate together for benevolent objects,

and who are usually made the almoners of the charity of others. Such is the case in the city of New-York. That is the usual mode, (as I shall have occasion to show, though it can scarcely be necessary to do it before this intelligent Committee,) that is the usual mode of distributing funds there, and experience has demonstrated that it has been attended with good and wholesome results. The city of New-York chose, therefore, to adopt this mode of distributing her monies; and this probably is one of the reasons why this distinction between the city and the country was incorporated in the act of 1813. Another reason undoubtedly was, that in a city such as New-York, there is more or less political excitement mingling in every public measure. All who have lived there knows that, especially within a few years past, we have had a degree of political excitement which has been very inconvenient; and that at all times, in a close and dense population, more of that excitement and heat are felt than prevails amongst the more sparse population of the country, and probably, possibly, it entered into the consideration of the wise men (for if they were like him whom I have named, they deserve that appellation in its highest sense) in the legislature of that day, that, for the purpose of keeping this matter out of the vortex of party and political excitement, this money should be paid over to, and distributed under, the superintendence of agents consisting of these respective societies. This, then, it seems to me, is another omission in this Report of the Secretary. I speak with deference. And the third omission is, that the Secretary has failed to tell us why the act of 1824 was passed, which gives the money provided by the State, to the Common Council of the city of New-York, to be distributed by them as they might think proper. I will supply the omission.

Anterior to the year 1824, the legislature designated the institutions and schools which should participate in this fund. These were the Free School Society, and religious societies supporting charity schools, and some others. About the year 1822, (I would premise, however, that the religious societies, and all except the Public School Society, were restricted in the use of these funds to the payment of teachers,) but about the year 1822, a society called the Bethel Church of the City of New-York, obtained a privilege similar to that which had been granted to the Public School Society, and applied the surplus, after the payment of teachers, to the purchase of stationery and the erection of buildings. The operation of that plan was this:—inasmuch as that society, in common with all others, drew per head for the number of children taught in the schools, or rather for the number of children placed on the register of the schools, to be taught, this Bethel Church, under the direction of Johnson Chase at that time their pastor, gave small presents and rewards, to induce children to come in. They came in, and their names were put on the register; and when the yearly account came to be made out, they drew for the number of children on the register, and the consequence was, that a large portion of the fund was appropriated to the erection of buildings belonging to the Bethel Church, thus using the common school fund of the city of New-York, and the equivalent tax paid there, to the erection of religious temples to be used by a particular denomination of christians. Before this law of 1822 was passed, and while the sum received was specifically appropriated to the payment of teachers, the Bethel Church, or rather their pastor, evaded the law in the following manner: The teacher was employed at a large salary; he received the salary with the understanding that while he received it in one hand, with the other he should make over a portion to the church; so that the

church received, after all, a portion of the funds paid to teachers.

This alarmed the Public School Society, and the community of the city of New-York, and the Society and the Corporation immediately sent a memorial up here praying that the provision of the law giving peculiar privilege to the Bethel Baptist Church might be repealed. Hence ensued a contest which lasted two or three years before the legislature—in which the people of the city of New-York took great interest—and which was a very exciting contest even here, in the city of Albany. Here was seen to be an attempt made to take away the public school fund of the city of New-York for the purposes of the Bethel Church; and the city authorities, and the associations participating in the fund, all became alarmed.

We came here and discussed this matter; and our proposition was then, to restrict these religious societies to the poor children of parents steadily worshipping with those societies. This was thought to be a fair proposal. The subject was discussed on various successive occasions, until at length it was seen, by those who examined it, that this matter of paying the school fund to religious societies, whereby the doctrines of particular religious sects should be sustained and supported by this fund, was a violation of a great fundamental principle. It was the union of Church and State which the laws and the institutions of this country abhor. It was taking the funds of the people—the tax received out of the pockets of the people—and applying it to the establishment and promotion of religious societies. Well;—although it is a good thing to have these religious societies, yet it was seen that a vital principle was here violated. Hence, after many discussions in the Assembly chamber, (discussions at which all the members were invited to attend—and almost all of them did attend—for we had generally a *quorum*, although it was before a committee night after night,)—the committee of the Assembly at length made a report favorable to the prayer of the memorial; but suggesting in that very report whether even so much as was granted in the proposition referred to was not a violation of sound principle; whether in fact religious societies ought to participate in the enjoyment of the fund at all, because, by such participation, the Jew might be made to support the doctrine of the Christian; and, *vice versa*, the Christian that of the Jew; the Catholic of the Protestant; the Protestant of the Catholic, and so on. After much discussion,—after the subject had been agitated before the Legislature week after week;—(as a member of the Public School Society, I attended here six weeks,)—after a great contest, in which we had to contend against the Bethel Church, the Episcopal Church, the Dutch Church, the Methodist Church, and the Roman Catholic Church, the bill came from the other House to the Senate; and there was discussed before a committee by the gentleman who is now Bishop of the State, Doctor Onderdonk—on the one side—and a member of the Board of Public Schools on the other. This was at the adjourned session of the legislature, in the fall of 1824, the session having been continued over from the spring to the fall. In this fall session of 1824, I say, it was that this discussion was had; the committee of the Senate seeing that the subject was involved in difficulties, and that it required a knowledge of local feelings which they did not, and could not possess here in the Legislature, inserted an amendment in the bill of the House, declaring that they would refer the matter to the city of New-York, and that the corporation should dispose of the school fund apportioned to that city, as they might please. And here I ask leave to say to the committee, that this power never had been

asked for by the corporation; that it never had been asked for by the Public School Society; but that the committee of the Senate, (and a most intelligent committee it was. I do not recollect all the names, at the moment, but I know that Mr. Suydam was one,)—that committee decided that they were so ignorant of the peculiarities of the New-York population, with reference to this question, that they were incompetent to decide it rightly; and they, therefore, of their own motion, incorporated this section in the act, giving power to the corporation of the city of New-York, to dispose of this fund as they thought best. Thus the power was granted. Now, the proposition of the secretary in this report is, that the Legislature shall resume this power; that that which the Legislature of 1824 thought proper to give, of their own motion, as I have said—for in behalf of the Public School Society no such grant was asked; and I felt great hesitation on the part of the Common Council, whose memorial I bore, whether we should accept the grant—whether it would not be better to leave the disposition of the school fund here. We were fearful of local difficulty. We did not want the power vested in the corporation; the corporation did not want it; and I never gave my consent to it until after consultation with the President of the Free School Society at that time, De Witt Clinton, then residing here—and who said it was more proper that the corporation should exercise this power. It was then accepted. Now, I maintain that if the proposition of the secretary, that the Legislature should resume this power, is to be adopted, it is incumbent on him to show that the power thus delegated to the corporation, has been abused. I say it is incumbent upon him to prove this fact. Here is the Legislature delegating a power—granting it to agents selected by the people; composed of the Common Council of the city of New-York. Before this grant, the representatives of the people of the city of New-York in this Legislature, unquestionably had the sole power of indicating the course of legislation as to the disposition of the fund apportioned to that city. The Legislature never would have undertaken to say, that these funds should be used in one way in the city of New-York, and in another way in the country, except so far as they were authorized to say it by the consent of members representing the city and country respectively.

This is according to the usual course of legislation; local in its operation. Well, then, said the Committee of the Senate in 1824, instead of having this matter indicated to us by twelve or thirteen gentlemen who represent the city of New-York in the Assembly, and one or two that may represent them in this body, we will say to the Common Council of that city, selected by the people—the chosen agents of the people—that they may distribute this fund as they think proper, and the question now is, have these agents abused that power so as to make it requisite that the Legislature should resume it? Sir, I submit, with great deference, whether in this matter, the *onus* of proof does not lie upon those who ask the Legislature to resume it? I submit if the burthen of showing that there has been an abuse of power—that the agent has been an unfaithful agent, does not devolve upon those who desire to take the power away? Now, has it been abused? I ask, has the corporation abused the power, thus voluntarily, without any request on their part, granted to them? That is a question which I now propose to discuss.

Immediately after the passage of this act, or, as soon as in the course of public business it could be attended to, namely, on the eleventh of April, 1825, (for it was anterior to that, that the Committee was appointed,) this matter was taken up by the Com-

mon Council of the city of New-York, it was referred by them to the law committee, and this is the preamble to the report made on the day above mentioned:

"The committee on laws to whom were referred the 4th section of the act of the Legislature of this state, relating to Common Schools in the city of New-York, passed the 19th November, 1824; the memorials of the trustees of the Charity School attached to the Reformed Protestant Dutch Church of the city of New-York—of the trustees of the First Protestant Episcopal Charity School in the city of New-York, and of the trustees of the Methodist Episcopal Church, praying respectively for a participation in the Common School fund—and also the report of a committee of the trustees of the Free School Society, on the distribution of the said fund, proposing a change in the constitution of that society, so as to admit children of all classes to their schools, for a compensation not exceeding fifty cents per quarter, with power to remit in proper cases, Report."

The Committee consisted of Samuel Cowdrey, Elisha W. King, and Thomas Bolton, Esquires.

They patiently heard all parties (continued Mr. K.) I believe the hearing occupied one or two evenings. The Methodists were represented; the Dutch were represented; the Episcopalians were represented; and the Public School Board was represented. The whole matter was fully and frankly discussed; and this principle, whether or not religious societies ought to participate in this fund was fully gone into; and so far as the churches were represented, and so far as my learned associate was concerned, (the Hon. Peter A. Jay,) these various questions were discussed with great ability.

The report of the Law Committee is long; it sets forth the arguments on both sides, and, the conclusion, contains the following passage:—"In the performance of this duty, they have felt all the importance and responsibility of the task assigned to them, and while they would willingly have retired from the appointment; and do each individually wish that the Legislature had passed the necessary law on this subject, on the recent application to them for that purpose, yet your committee cannot permit themselves to hesitate or falter in the course of public duty, when that course is plainly manifest to their understandings. Your committee will not conceal, either their own private and personal wishes, at the commencement of their duties, that the well-organized churches and religious societies in our city, might be permitted to continue in the reception of a part of this fund as heretofore. But the weight of the argument as urged before them, and which they have endeavored to condense in this report, and the established constitutional and political doctrines which have a bearing on this question, and the habits and modes of thinking of the constituents at large of this Board, require, in the opinion of your committee, that the Common School fund should be distributed for civil purposes only, as contradistinguished from those of a religious or sectarian description."

This report was adopted by the Common Council with entire unanimity, it is believed.

That conclusion was ratified by their constituents; and I believe that every one of the religious societies, or nearly so, excepting the Roman Catholics, acquiesced in that decision. But that society year after year has come before the Common Council and renewed their request for a separate portion of the school fund. With the best feelings for the applicants, in a spirit of kindness; with every disposition to do whatever could be done for them, year after year, and without respect to politics, whether the

one party was in the ascendant, or the other party was in the ascendant, the Common Council have, with almost entire unanimity, disallowed that request; and I believe that never in either Board, since the division of that body into two Boards, has there been but one dissenting voice raised against the ratification of that decision. Now, if the committee please—who have complained? The Roman Catholics. Our fellow-citizens, the Roman Catholics, are as much entitled to be heard there and here as any other citizens; for, when acting in a political capacity, we know no difference of religion. The request which was made and urged by them conjoined with many powerful Protestant sects and denominations of Christians, and which was refused to them jointly, has been over and over again refused to them separately.

No disrespect was intended then. The Common Council, and every person engaged in the discussion of the question on behalf of the Common School Society, took great care to say, "we do not reject you because you are Roman Catholics;" and as evidence of this truth, we give you the fact that we have rejected similar applications from powerful Protestants;—but we reject your request because we believe that a sound general principle will not allow us to grant it.

I say that the Corporation has been desirous, so far as that body possibly could, so far as they felt themselves at liberty, consistently with the maintenance of a sound general principle, to accommodate these parties. They have granted a privilege out of this fund to the Roman Catholic denomination, which has not been granted to any other. The Sisters of Charity, so called, under direction of the Roman Catholic Church, and connected with it; (I believe I am right—if not I should be happy to be corrected,) established a most benevolent institution in the city of New-York, called the Orphan's Asylum,—the Roman Catholic Orphan's Asylum. They took into this institution poor and destitute orphans. They fed them and clothed them most meritoriously,—and they thus relieved the City of New-York of the maintenance of many who would otherwise, probably, have been a charge upon it. After long discussion, and with some hesitancy, yet overcome by the desire to oblige, and aware of the limitation arising from the very nature of that institution, the Corporation did permit the Catholic Orphan Asylum to receive money from this fund; and during the last year, it received some \$1462 for the education of about one hundred and sixty-five children,—in common with the institution for the blind, and the deaf and the dumb, and those other benevolent and Christian institutions which are altogether of a Catholic character in the most comprehensive acceptance of that term,—as they are under no sectarian influence or government. Thus this Society, under the direction of the Sisters of Charity,—ladies devoted to the Roman Catholic Church, who are themselves Roman Catholics, and given up to the service of that Church,—this Society, I say, has been permitted to draw this sum of \$1462 in one year. But when the question came, "Shall their schools be permitted to draw from the fund?" the Corporation had to say, and they have said, over and over again, though most reluctantly, we cannot grant you that. Upon the last application made for this purpose, the subject underwent thorough and prolonged discussion before the Board of Aldermen, and the argument was conducted, on the side of the Roman Catholics with signal ability by the Right Reverend Bishop Hughes of that Church. The hall of the Common Council was crowded to overflowing; the avenues were crowded, and crowded I believe I may say, without any inten-

tion of saying what is erroneous, by persons belonging to that denomination.

The subject, I repeat, underwent a very full and free discussion; and, after that had terminated, the Board of Aldermen gravely considered and discussed the subject; and at length, after some delay, came to the conclusion that they would go and visit the schools. Some of the members of the Board of Public Schools, feeling sensibly alive on the subject, expressed to me an apprehension that this was a mere evasion, and they feared that the question had now become mingled with politics. But, I said, wait, gentlemen; let them go and see your schools,—it is a natural desire, they ought to go. It is a great and delicate question, and they ought to be acquainted with it in all its details. They went and visited the Public Schools, and the Roman Catholic Schools, and they incorporated the result of their deliberations in a report which I have before me, and from which I shall quote by and by. It is drawn up with great ability, and the decision was, with but one dissenting voice, that the prayer of the petition should be rejected; and it was rejected. Who, then, complain of the operation of this system? Our fellow citizens, the Roman Catholics. Failing to accomplish their purpose through the Common Council of the City of New-York, they come and ask it here. Failing in their application to a body of representatives to whom they have applied year after year, and who represent a population in which is intermingled a greater mass of Roman Catholic voters than in any other district of the State of New-York,—failing to get from the hands of a body thus constituted, the redress for the grievance which they complained of, they come here and ask it of you. I say *they* come here, because I will presently show you from their memorials, that none *but* they come here.

Now, I beg leave again to refer to the report of the Secretary, he says:

"The memorials presented at the present session represent that the legislative enactments on the subject of public instruction in the city of New-York, require a fundamental alteration to bring the benefits of the common school education within the reach of all classes of the population; that the original intent of those enactments was to enable every school which should comply with the law, to share in the common school fund; that this design has been defeated by the construction put upon the statutes by the common council of the city, in designating the Public School Society to receive nearly the whole amount of that fund belonging to the city; that this society being a corporation, has acquired the entire control of the system of public education; that the tax-payers who contribute to the fund, have no voice in the selection of those who administer the system, or control over the application of the public moneys."

That is to say, (continued Mr. K.) that at the last session, memorials were presented by the Roman Catholics, as such. The present, we are left to infer, are presented by citizens generally, not as Roman Catholics. Let us see how the truth of the matter stands. Here is the first memorial:—

"To the Hon. Legislature of the State of New-York:—The memorial of the undersigned, residents of the city of New-York, respectfully sheweth,—That your memorialists being members of the Catholic Church, and connected with the several Catholic congregations in the city of New-York, would respectfully represent to your Hon. body," &c.

This, (continued Mr. K.) is from the first memorial presented by them as Catholics. It was presented in the session of 1840; and referred to the Hon. Secretary last year. He did not think proper

to make a report upon that; but then comes a second memorial from *citizens generally*, and on that he makes a report. The second is a memorial presented the twenty-second of February, 1841. It says:—

"That your memorialists are deeply interested in extending the advantages of education to every child in the commonwealth, regarding it as the best means of perpetuating the blessings of our republican institutions, and of correcting those evils in society which are beyond the sphere of legislation." "It is alleged by thousands of our population, that their conscientious scruples have been disregarded in the formation of the system of instruction adopted by the Public School Society. The confidence of this class of our citizens has been entirely withdrawn from the Institution, and they complain of the severity of the oppression which compels them to submit to the decision and government of agents irresponsible to the public, and in whose appointment the electors are not permitted to participate," &c.

Among the first signatures to this memorial, remarked Mr. K., are those of Joseph O'Connor, James B. O'Donnell, Patrick Leach, and others. I never saw this memorial until this morning, but I perceive one name attached to it, as a sort of family name; *Patrick Farrell*—THREE TIMES in succession—and what is very singular, the hand-writing seems to be very much alike. Be that as it may, I am satisfied, from what I have seen, that this is as much a memorial from Roman Catholics as the other was. The secretary in his report, in the passage which I have read, admits that the first memorial came in a shape not calculated, probably, to be very impressive. He says,—

"At the last session, memorials of a similar character from a large number of Roman Catholics, citizens of New-York, were referred to the undersigned, upon which he was unable during that session to report. Although these petitioners have the same equal and common rights with all other citizens to submit their grievances to the Legislature, and ask for redress, yet the circumstance of presenting themselves in a character of a religious denomination, is, in itself, unfavorable to that impartial consideration of the subject which its importance demands."

Probably, (continued Mr. K.,) that circumstance was discovered by the secretary's sagacity, between 1840 and 1841; and this second memorial, therefore, is from *citizens of New-York*; but I believe I may safely affirm that, if not exclusively, it is almost altogether signed by Roman Catholics. As the secretary justly remarks, however, they have a right to apply here; they have a right to ask the Legislature to overrule the decision of the corporation, although it may be supposed that in that corporation they would have as fair a chance of being heard, and of having the merits of the controversy rightly adjudicated, as here, still they have the right to come. Now what do they complain of? One of their complaints is that the people are not represented in this Public School Society; that here is an agency used for a great public purpose which the people do not directly choose; and they complain of the Public School Society being a close corporation.

I suppose that if the Corporation had granted the prayer of their memorial,—to allow their societies, that is to say, Saint Patrick's church, and all such churches as belong to the Roman Catholic denomination in the city of New-York to participate in this fund,—I suppose they would not have seen precisely that such great evils and dangers to liberty were to be apprehended from the distribution of the funds to these churches and the Public School Society. I think it fair to conjecture that if their corporations, be they close or be they open, could have participa-

ted in that fund, we should not have heard any thing of their extreme regard for the liberties of the people. But no matter whether we should or should not, they have a right to be heard whatever their motives may be; no matter what might have deterred them from coming here, they have a right to be heard, and their arguments must be met and answered here, or else they must receive the action of the legislature in their favor. All that I admit. But what is their complaint? As will appear by these memorials and from the summary contained in the report of the Secretary, they complain that this money is paid to a close corporation,—that the religious scruples of a large portion of our fellow citizens are violated by this distribution of funds.

Now, I wish to call the attention of the Committee to the fact now to be stated;—there is no complaint in these memorials, nor will you hear any from any source, that the Public School Society does not furnish to all the children who attend their schools a good literary education; there is no complaint that in these schools, children are not taught to read, write, and cypher; that they are not taught the elements of geography, astronomy, and of English Grammar as well as they could be taught. There is, I say, no complaint of that description; and, with the exception of complaints about the *tendencies* of the institution, there are no complaints against its actual operation; but the complaint is that some of the citizens cannot from conscientious scruples, send their children to these schools. Now, I invite the particular attention of the Committee to this, which I deem most important—that whatever may be said of the tendencies of these institutions, whatever may be said of the evil of the general principle contained in the alleged fact that these agents are not chosen directly by the people nor responsible to them; yet in the long lapse of thirty-five years of the operation of this Society, and from the year 1813 to the present time, during which these Common School moneys have been received, there is no complaint THAT THEY HAVE EVER FAILED TO GIVE A GOOD EDUCATION. There is no complaint that the system has so far operated injuriously, excepting that such is the course of religious education, or more properly speaking, the *want* of religious education, that the Roman Catholic cannot conscientiously send their children to our schools. But they *do* object that they cannot send their children to these schools,—that those children, many of them eminently the subjects of a gratuitous education, cannot partake of the benefits of the fund on account of conscientious scruples.

Now, this is the very point which, year after year, has been discussed before the Common Council, and which, year after year, has been decided by that body. What is it? The Roman Catholics complain, in the first place, that they cannot conscientiously send their children to the Public Schools, because we do not give religious instruction in a definite form, and of a decided and definite character. They complain, in the second place, that the school books in common use in the Society, contain passages reflecting upon the Roman Catholic Church. And they complain, in the third place, that we use the Bible without note or comment, that the school is opened in the morning by calling the children to order and reading a chapter in the Bible,—our common version. These are the three grounds on which they base their conscientious scruples. Now, I propose most respectfully to consider them. In the first place, our books contain occasional passages reflecting on the Roman Catholics. It is true that in our ordinary school books, the most approved of the day, there is an occasional passage which may

be considered as reflecting injuriously on the Roman Catholic Church. We have all read, I suppose, as children, and I do not know but that this description may be one of those contained in these books, of the martyrdom of John Rogers, in the reign of Queen Mary. That reflects on the Roman Catholic Church; and there is an occasional passage which speaks of the Roman Catholic Church as Protestant divines, essayists, and orators, sometimes allow themselves to speak of that church. The Public School Society have offered, if the Catholics will point out these offensive passages, to erase them all from the books. They have said to the Bishop of that church, and to a committee of that church, "we can find passages enough of good English for our reading books without these;—and if you will have the goodness to take these books and point out these offensive passages, we pledge ourselves to have them erased."

Now, all this matter was gone into by the intelligent committee of the Board of Aldermen to whose action I have referred,—and I have their report before me. They called for a distinct and definite proposition from the Common School Society as to what they would do. I will read a few passages from the report:

PROPOSITION ON BEHALF OF THE SCHOOL SOCIETY.

"In compliance with the request of the Committee of the Board of Aldermen, the undersigned Committee of the New-York Public School Society, submit the following propositions as a basis of a compromise with their Roman Catholic fellow citizens on the subject of the Public Schools; which propositions they are willing to support before the trustees of the Society, and which they believe will be sanctioned by that Board.

The trustees of the New-York Public School Society will remove from the class-books in the schools, all matters which may be pointed out as offensive to their Roman Catholic fellow citizens, should any thing objectionable yet remain in them.

They will also exclude from the school libraries, (the use of which is *permitted* to the pupils, but not *required* of them,) every work written with a view to prejudice the mind of the reader against the tenets or practices of the Roman Catholic Church, or the general tendency of which is to produce the same effect.

They will receive and examine any books which may be recommended for the use of the schools; and should such books be adapted to their system of instruction, and void of any matter offensive to other denominations, they shall be introduced so soon as opportunity may be afforded by a call for new books.

Any suggestions in reference to alterations in the plan of instruction, or course of studies, which may be offered, shall receive prompt consideration; and if not inconsistent with the general system of instruction, now prevailing in the schools, nor with the conscientious rights of other denominations, they shall be adopted.

The building situated in Mulberry-street, now occupied by Roman Catholic schools, shall, if required for the use of the Public School Society, be purchased or hired, on equitable terms, by the trustees, should such an arrangement be desired.

Every effort will be made by the trustees of the Public School Society, to prevent any occurrence in the schools which might be calculated to wound the feelings of Roman Catholic children, or to impair their confidence in, or diminish their respect for the religion of their parents.

Anxious to keep open every avenue to such an arrangement as will lead to a general attendance of the Roman Catholic children at the public schools,

and fully aware that some things may have escaped their observation which might be modified without violation of the conscientious rights of others, the undersigned wish it to be distinctly understood, that in offering the foregoing propositions, as the basis of an arrangement, it is not intended to exclude other propositions which the Roman Catholics may make, provided they do not interfere with the principles by which the trustees feel themselves bound."

This portion of the report, (continued Mr. K.,) as will be seen, has reference to these offensive passages. Now, every body will say that is a fair offer—we will strike them out. But, gentlemen of the committee, I submit whether here, in this country, we must not in matters of conflicting opinions, give and take a little. I have no doubt that I can find something in any public school book, of much length, and containing much variety of matter, reflecting upon the Methodists—upon the heated zeal, probably, of John Wesley and his followers—reflecting upon the Episcopalians, the Baptists, and Presbyterians. Occasional sentences will find their way into public discourses, which, if viewed critically, and regarded in a catholic spirit, rather reflect upon the doctrines of all those churches.

Now I submit, with great deference to the committee, whether this is a fair subject for conscientious scruples? As I have had occasion to illustrate heretofore, we find something in relation to politics, too, about which we may disagree. There are some very elegant passages from Thos. Jefferson's works which have found their way into our public school books. Some men, imbued with strong prejudices against Thos. Jefferson, may say, I cannot go Thos. Jefferson; my children shall never be instructed to read what Thos. Jefferson has said. On the other hand, there are many passages from the speeches of Mr. Webster which have found their way into school books; and a democrat may say, I cannot go Mr. Webster; my children shall not be taught to admire him. And thus, if we are captious, we can find conscientious scruples enough. However, if it is *bona fide* a conscientious scruple, there is the end of it; we cannot reason with it. But, in the judgment of the Common Council, and as I think must be the case in the judgment of every man, the difficulty is got over by the proposition which has been made.

The next complaint is, that we do not give religious education enough. The memorials, all of which are public—and the speeches and documents which have been employed, and which, if necessary, can be furnished to the committee—all go conclusively to demonstrate that, in the judgment of those who spoke for the Roman Catholic Church, we ought to teach religion in our public schools—not generally—not vaguely—not the general truths of religion; but that specific religious instruction must be given. Now, I hardly suppose that this deficiency can be made the subject of conscientious objection.

The third and last complaint is, that our Catholic brethren cannot consent to have this Bible read in the hearing of their children. Now, on every one of these points, the trustees have been disposed to go as far as they possibly could in the way of accommodation; but they never yet consented to give up the use of the Bible to the extent to which it is used in the schools. I say the trustees have never yet consented to this surrender. But if they can have good authority for doing it, they will do it.

If this Legislature, by its own act, will direct that the Bible shall be excluded, I will guarantee that it shall be excluded. Thus much for these conscientious scruples; and having these scruples, the Roman Catholics say they cannot come in. They, however, are in favour of this bill, the outline of which is given in the Report of the Secretary. They

are here, from the Catholic Board of Trustees, in strong force, to aid the passage of some bill founded on the Secretary's Report. They will be satisfied with it, it will give them what they ask. Now, let us see *how*. There is no proposition contained in this Report that religious societies, as such, shall participate in this fund—none. It is too late in the day for any man to make *that* proposition. Anxious as the Secretary is to accommodate this matter, he does not say that religious societies shall participate in the fund. But what *does* he say? He says that the trustees of districts shall indicate what religion shall be taught in those schools; that is to say, that you shall have small masses; that these small masses shall elect their trustees; and as the majority of the people in those small masses may direct, so shall be the character of the religious instruction imparted. He assumes that there *must* be religious instruction in the schools; that although the law makes no provision for it; yet that it is left practically with the people themselves, through their trustees, to indicate the religious instruction that shall be given. I will read what the Secretary says, at page 11 of his Report:

"It is by adopting the principle of the organization that prevails in the other parts of the State, which will leave such parents as desire to exercise any control over the amount and description of religious instruction which shall be given to their children, the opportunity of doing so."

Now, (continued Mr. K.) let us see how the argument stands. The complainants here are the Roman Catholics. They cannot conscientiously have their children taught in these schools, because religious instruction, in a definite form, is not given, and because the Bible is read. But when a school is formed in the sixth ward of the city of New-York, in which ward (for the sake of the argument we will assume) the Roman Catholics have a majority in the district; they choose their trustees, and these trustees indicate that a specific form of religion, to wit, the Roman Catholic religion, shall be taught in that school—that mass shall be said there—and that the children shall cross themselves with holy water in the school, having the right to do so according to this Report, the Catholics being in a majority there. Then, and not till then, can these Roman Catholics conscientiously send their children to school—that is to say, their objections to this system are to be overcome by having a school to which they can conscientiously send their children; and that school must be one in which religion is to be taught according to their particular views. Now, suppose that in any given district, there should be about 500 Roman Catholic children, and 200 Protestant children. These Protestant children are compelled to worship according to the opinions of the majority—that is to say, they are compelled to be taught religion according to the doctrines of the Roman Catholic Church. I ask you, gentlemen, if *that* is not the tyranny of the majority? The Secretary admits that a majority of the people, in a given district, has a right to indicate what religion shall be taught in the district school; and to that religion, or that form, whatever it may be, the minority must submit. Thus, in a given district, the Protestant shall be taxed for the support of the Roman Catholic religion; or, on the other hand, the Roman Catholic shall be taxed for the support of definite Protestant religion; and thus, by abandoning the present system, we are to form and create a system which will overcome the difficulty. Is this reasoning like an American statesman?

I deny the Secretary's proposition. I affirm that it is false and erroneous from beginning to end. This school fund can never, under any circumstances, be made use of, or employed in teaching the particular

doctrines, or particular dogmas, of any religious denomination. If there were 500 in one district, and but one man in that district that protested, he would have a clear right to do so. He has a right to say, I will not pay my money to teach the Roman Catholic religion—I will not pay my money to teach the Protestant religion—I will not pay my money to teach the doctrines of Tom Paine—I will not pay my money to teach the doctrine of those who affirm that my Saviour was an imposter. Imagine a district in the city of New-York, where there is a majority of persons of this description, and where they shall teach their own doctrines, (for if the Secretary is right, these being in the majority, have a right to teach what religion they please.) I am supposing an extreme, but possible case. Is this the scheme by which we are to get over the objections of those who alone complain of this system? No, sir. I affirm that the religion taught in the public schools is precisely that quantity of religion which we have a right to teach; it would be inconsistent with public sentiment to teach less; it would be illegal to teach more. And, on this point, I am happy to see that the Secretary has one passage in his Report which expresses my views most fully, and which is couched in much better language than any which I could employ. At page 9, he says:

"It is very true that the Government has assumed only the intellectual education of the children of the State, and has left their moral and religious instruction to be given at the fireside, at the places of public worship, and at those institutions which the piety of individuals may establish for the purpose. But it is believed that in a country where the great body of our fellow-citizens recognize the fundamental truths of christianity, public sentiment would be shocked by the attempt to exclude all instruction of a religious nature from the public schools: and that any plan or scheme of education, in which no reference whatever was had to moral principles founded on these truths, would be abandoned by all. In the next place, it is believed such an attempt would be wholly impracticable. No books can be found, no reading lessons can be selected, which do not contain more or less of some principles of religious faith, either directly avowed, or indirectly assumed. Religion and literature have become inseparably interwoven, and the expurgation of religious sentiments from the productions of orators, essayists and poets, would leave them utterly barren."

Now (continued Mr. K.) we have a right to say this. When the late head of this nation, (so suddenly, under the Providence of God, taken from us,) declared, as others, his predecessors, had declared before him, that he bore his testimony in favor of the Christian religion, as received in this land, he spoke as the representative of the American people. I am proud to say here, as an American, that there is no party in *that*: that, whatever difference of opinion might have existed politically as to the merits of that distinguished man, the sentiment thus uttered by him was an American sentiment, which will be responded to by a vast majority of the people of this country—for, thank God, this is a Christian land.

We belong to different denominations; indeed, we are Episcopalians—we are Roman Catholics—we are Baptists—we are Methodists; but there are great truths of Christianity which, as a people, we coincide in. And although the law cannot point out precisely what those principles are, yet we can all feel them and judge of them. We have a right to teach our children, as we do teach them, that there is a God whose eye sees us—who penetrates the thoughts of our hearts—and that we are accountable beings. We have a right to inculcate these great religious principles, as the sanctions of that morality which

we are bound to see enforced in these schools. The Legislature has nothing to do with religion specifically; but so far as, by common consent, religion mingles itself with the approved literature of the country—and so far as it deals with great general principles from which morality derives its sanctions, the Legislature, and the schools, and every one under the patronage of this Government, has a right to recognize it.

Beyond that, no such right exists: because the moment you go beyond that—you trample upon the conscience of this or that man, whose conscience you are bound to respect. But these general principles, as properly stated here, must be recognized and are recognized in this land. In the schools we go thus far: we neither say nor do any thing to interfere with the peculiar sentiments of any sect or denomination. Our trustees are, and always have been, composed of persons of all denominations. We have had, in our number, more than one excellent Roman Catholic, from time to time. We have had Episcopians; we have had Baptists; we have had Universalists; we have had respectable men of all sects—men who are willing to devote themselves, without fee or reward, to the service of their fellow-men. Precisely that amount of religion which would be approved and taught by a board thus constituted—that, I say, and these general truths only, have we a right to teach in institutions under the direction of the Legislature.

The next objection to this system, as a system, and this is not an objection to existing schools—is, that it does not reach all the children who are the proper subjects of a gratuitous education. And here I will take leave to read an extract from the report of the Secretary, at page 16. He says:

"Considering the various feelings and interests that would be called into action by such a system, there can be little doubt, that one of its immediate effects would be to bring into the schools a large portion, if not the whole, of those who are now utterly destitute of instruction. With all the commendable and vigorous efforts of the trustees of the Public School Society, it cannot be denied that less than one-half the children, between four and sixteen years of age, in the city of New-York, are receiving the benefits of any education whatever. From the statements in the annual report of the Superintendent of Common Schools for the present year, (Assembly Document No. 100,) it appears that the whole number of white children in New-York in 1840, over 5 and under 16 years of age, was 62,952, and that 30,758 only are returned as attending some school, leaving 32,194 who were not in attendance on any school whatever."

Now, (continued Mr. K.) I grant most freely that if there is this number of children in the city of New-York who do not attend the schools on account of the defects in the system, the system ought to be either amended or improved, or if not susceptible of amendment, abolished, and a new system substituted. But let us for a moment inquire into this matter. There is some mistake in this census calculation. There must necessarily be a mistake, because it makes out the number of 32,194 children who are not in attendance on any school whatever. We report the number of children on our books for the last year, at 23,000; and it is stated by the Roman Catholics that there are about 8,000 in their schools; making an aggregate of 31,000; in the public and Roman Catholic schools. Deduct this from the aggregate census number, and the number remaining is 31,952. From this number no deduction is made for the children attending pay schools in the city, this number is large in the ward in which I reside, (7th) I have heard a computation made that there

are over one thousand pay scholars in this single ward—although this is more than the average in all the wards. There must, therefore, be some mistake; the fact cannot be as it is here represented. I doubt whether the persons who took the census, were remarkably accurate or particular in obtaining information respecting the attendance of children on schools.

Error there manifestly is, somewhere. Upon a given day many children may not have been at school. There may have been a vast number of these children actually attending school, and yet who were absent on that particular day.

The difference between the number of those who actually attend our schools, and the number on the register, is twenty per cent.; that is to say, twenty children out of one hundred do not attend the schools daily. These children may be taken from school by their parents for various reasons; they may be wanted, in the season, to sell radishes, or for one operation or another, by which their parents can realize a little profit from their labor; and thus, at a given time, there may not be more than two thirds of the twenty-three thousand children above named in actual attendance. If, then, the inquiry is made on a given day, what is the number of children who go to school to-day, the answer would be given in that form; and, therefore, you cannot thus arrive at just conclusions as to how many children are educated; and how many are left uneducated. The inquiry is supposed to be how many children attend school? Many parents will not send their children when under six years; and after that age, many of them are not kept at school more than three or four years. By the time they are ten or twelve years old, they will have acquired a knowledge of reading, writing and cyphering—and other branches of education, which, their parents think, is all that is needed to prepare them for some employment. Therefore, there may be many children between five and six, not sent to school; and there are many between that age and the age of ten or twelve, who have received what is supposed by their friends to be a competent education; and a *vast* number between 12 and 16 are taken out, because, before the latter age, they can be made the instruments of profit to their parents. So that, in this calculation, you do not arrive at a result which shows you the number of children actually left uneducated. It is difficult to decide this point. The Public School Society made an investigation into the subject, with a view of making an application to the people for an additional tax: this, I think, was in the year 1829, when the population of the city of New-York was about two hundred thousand. They made the investigation in the best manner they could, and arrived at the conclusion that there were about ten thousand children in the city who did not attend school.

The Chairman of the Committee here made the following inquiry:

In these 33,000 thus returned, are there any returns of children at select schools, or boarding schools?

Mr. Ketchum. Yes, sir.

The Chairman. The number, then, includes those who are returned from your society, and are returned from other societies.

Question by Mr. Verplanck. In this 23,000 who are educated at the public schools in New-York, are not children of ages between four and five years included?

Mr. Ketchum. The city of New-York limits the age of children to between four and sixteen.

Mr. Verplanck. Therefore, there must be a number of children under five years not educated.

Mr. Ketchum here stated, that there was a gentle-

man present (Mr. Seton) who had in his possession all the statistical information requisite to answer any inquiries that might be put. That gentleman had long been a visitor engaged in the service of these schools. He was more intimately acquainted with all the details than he (Mr. K.) could be, and would be happy to answer all inquiries. He had, indeed, come here for that purpose.

Mr. K. then proceeded in his argument, as follows: Well, now, here is shown to be a large non-attendance. There is no doubt of the fact; we cannot deny it, and we do not wish to deny it. But does this non-attendance result from this system? I say not. There is no non-attendance save from the children of our Roman Catholic fellow citizens, that can be pointed out on account of prejudice against the schools. There is non-attendance, as you will be told by gentleman of great practical knowledge on the subject, because parents will not send their children to school, or because the children will not go. There is a want of parental authority which leaves the children to say they will not go, and hence they grow up in idle and vagrant habits. They would not go to any other school sooner than to this. The objection is not to the school itself, but to the confinement. They will not go to school, and they cannot be made to go. What can we do? The gentleman upon my left (Mr. Seton) was employed many years in visiting; in going round from house to house for the purpose of inducing children to come in. We have now thirteen gentlemen employed to visit one day in each week, from house to house, to induce and persuade these children to come in—to overcome objections and to get them in. That matter is under the charge of a Committee of the Board, and the result of their experience has been given. I believe that their exertions during the last year, were the means of getting in about nine hundred children; but of this number, from the want of parental control, a small portion only remained more than a short time. Now, what system could bring in these children to a greater extent? There is no prejudice against the schools: there cannot be any. No one who visits the schools, and who observes the cheerfulness and the happiness which there prevails, can fail to see that there is not any ground of prejudice; you cannot have more attractive schools than these. But the great difficulty is that the children will not be persuaded to come; nothing but legal provision can make them, and, probably, we are not prepared for a resort to force. But our Common Council have been very accommodating on this subject; they have gone hand in hand with the Public School Society—they have acted on the most friendly terms, and, on one occasion, they passed an ordinance, (how long it remained in force I cannot say,) providing that parents who did not send their children to some school, should not receive bounty, in the winter season, from the alms-house. That mode has been resorted to. There has been perfect co-operation between the two bodies; yet, notwithstanding this, and all other attempts, there are children whom we could accommodate and who do not come; but I am bound to say, that our accommodations in some parts of the city are not such as will allow all to partake of the benefits of the schools. That is no fault in the system; but arises from the fact that the system itself is not carried out to the extent it ought to be. I believe that the trustees of the society have asked the Legislature to help them to funds, to enable them to build additional school-houses. Our great difficulty arises from the cost of school-houses, and the purchase of lots; for, as you, gentlemen, well know, there is a great difference between the cost of a lot of land in the city and a lot in the country.

The amount of money which would be required in

the city of New-York, for the purchase of a lot or lots of land proper for the erection of a building, (to be three stories high with a basement,) which would accommodate our children under the Lancasterian system, and in which five or six hundred are educated, would be as much as all the school-houses in a single county, and the lots too, would cost in the country. The great difficulty lies in getting the money. We have asked aid, and we shall undoubtedly have to ask aid again to enable us to build school-houses. In this way we could accommodate more children, and could get more to attend. But this, gentlemen will at once perceive, is not the fault of the system, but results from the fact that we are not able to carry it out to the extent necessary. I have not considered this last point as fully as I could otherwise have wished, because the figures and statements of those who are personally acquainted with it, will be at the service of the committee. And the committee will no doubt prefer to have the information directly from that source. I have thus considered the objections, not to the principle, but to the actual operation of this system.

I come now to consider the objections to the principles as set forth in these memorials. What are they? They represent, in the first place, that the original intention of the enactment which gave this fund to the common council, was "to enable every school which should comply with the requirements of the statute, to share in the common school fund."

That is an assertion, (continued Mr. K.,) from which, as a matter of fact, I dissent. I have said before, I was here at the time the act was passed. Gentlemen of the committee can only judge of the intention from the act itself; but I believe I know pretty well what the intention of the Legislature was on the points that were mooted; and I am persuaded that the Legislature intended to give full power to the corporation of the city of New-York to distribute this money among such institutions as they should select. The corporation had the right to adopt or reject any of these institutions.

The memorialists say that "it is dangerous and detrimental to the public interests, to pour into the coffers of this institution the public money, its influence and authority, while it is wanting in that high and requisite attribute of a public agent—responsibility to the people."

Now I admit, that although no evils have yet, in practice, resulted from the operations of this society, although the evil tendencies which are charged upon it, have not, after a lapse of thirty years developed themselves—yet if the mode of employing the school fund contains within itself a principle which is unsound, which is inconsistent with our institutions, which is inconsistent with the spirit of the law and the constitution under which we live—I admit that the Legislature is bound to correct that principle. It is stated here, that nearly the whole education of the poor of the city of New-York, is under the control of this society. I refer to page 1 of the Secretary's Report, where it is said (as part of the substance of the memorials): "That this society, being a corporation, has acquired the entire control of the system of public education; that the tax payers who contribute to the fund, have no voice in the selection of those who administer the system, or control over the application of the public monies."

And, at page 11, the Secretary says: "The practical operation of the school laws is, to constitute the trustees of the public school society, the officers and agents of the government in the administration of the system of primary instruction in that city. That society in effect, engrosses the public education of the city; and, instead of operating on small masses, as in the interior, embraces the whole."

Now (said Mr. K.) let us consider these assertions. Is it true that, in the proper sense of the term, all education in the city of New-York is under the control of the public school society. How, from what source, does the public school society receive the funds by which alone they maintain these schools from day to day? From the hands of the corporation of the city of New-York—from the hands of the representatives of the people chosen at the ballot-boxes. They have a right to indicate the institution and the schools that shall receive this fund and to impose what restrictions they please. This public school society receives its daily sustenance from the representatives of the people—and the moment that sustenance is withdrawn, it dies—it cannot carry on its operations for a day.

How is this matter guarded? Here is a Corporation chosen by the people. The law provides that this Corporation shall appoint one school commissioner for each ward, upon whom it imposes the duty of visiting, examining, and inspecting, everyone of the schools participating in the school fund. It is made their duty, twice at least in a year, to visit the schools; and it is also made their duty to report to the Corporation; and the society is bound yearly to report to the Corporation and to the Legislature; the members of the Corporation themselves are *ex officio* members of the society, and the Mayor and Recorder are *ex officio* members of the Board of Trustees. This society or corporation, called the Public School Society, is the almoner of this public bounty; for although it was originally designed for those who were the proper subjects of a gratuitous education exclusively, yet it is not now thus restricted. But now those who participate in this fund are mainly such as are the proper subjects of gratuitous education. These agents of the people—first, the Corporation, and, secondly, the School Commissioners, are to supervise, and direct, and control, and give daily bread to the Public School Society, whom they make their almoner to do this work under their eye. Now, what sound principle is violated here? What principle of republicanism dear to the heart of any man is violated by this?

Here are agents of the people—men who, having a desire to serve mankind, associate together; they offer to take the superintendence of particular works, they offer themselves to the public as agents to carry out certain benevolent purposes; and, instead of paying men for the labor, they volunteer to do it for you, "without money and without price," under your directions—to do it as your servants—and to give an account to you and an account to the Legislature. Again then, I ask, what principle is violated? Mr. Chairman; voluntary public service is always more efficient than labor done by servants chosen in any other way. I resort to the experience of this Society, and to the experience of all other kindred societies, to demonstrate the truth of this assertion; and I say that all that experience *will* demonstrate, that public objects are better accomplished by these voluntary servants, than they are usually accomplished by persons chosen directly by the people; not, however, independent of the people—far otherwise; but agents acting as the voluntary servants of the people, under the direction of the people, for the accomplishments of objects dear to the people. The Secretary tells you that, since the year 1813, there has been expended the sum of one million of dollars. If the fact is so, and I have no doubt that the Secretary states it upon authority, he should have accompanied it with the information that, in the expenditure of this money, not a single cent has been found deficient. He ought to have stated, and would, I have no doubt, if it had occurred to him at the moment; when he paraded here, or stated here,

this sum of one million dollars which the society had expended since the year 1813—he ought, I say, to have added that, like faithful servants, the society had accounted for every cent; because the reports on the files in his own office will show that such an account has been given. Now, Mr. Chairman, I submit that the real question which, as citizens, we ought to discuss is, not what prejudice we shall appeal to on this side or that, but in what way will you have a great public duty performed in the best manner? Will you have it done by volunteers who, from the experience of thirty years, have proved themselves faithful, honest, and efficient, and who, during the last year, according to a report now on the files, themselves visited the schools ELEVEN THOUSAND TIMES? Point out to me your School Commissioners who, receiving pay, have done such service. Again, I ask, is not the question really how you will have this duty best performed? In sparse populations, most men are occupied, and cannot volunteer for a service of this kind;—they have not the leisure; it is too troublesome; but in large cities, in this city probably, and in the city of New-York, there always will be a class of men, having leisure and full of benevolent feelings, who may not wish to mingle in the contests of politics, or of public life in any manner, but who desire to devote themselves to some good and benevolent object that may be effective, and in a quiet way accomplish something for the benefit of mankind. Will you as wise men, say we shall avail ourselves of these voluntary services, or shall we mingle every thing in the turmoil of politics? Will you say that every thing shall be discussed on party principles; and will you have the question discussed at the polls whether this man or that man is a whig or a democrat, so that the Trustees may be chosen according to their politics? It has not yet come to that here, but in Philadelphia I am informed party politics have reached the Superintendents of Common Schools; and, by and by, the politics of the teachers will be inquired into before they can be elected. Do you desire to bring every thing within this angry vortex? Is it wise? Is it judicious? Is it conscientious? Can we not let this *well enough* alone?

Why, I ask, when you can avail yourselves of such services—when there are men who love to serve you in this way, why will you not accept their services? Is there any danger to democratic principles in this? What is your hospital, but a corporation acting as almoners of charity? What is your house of refuge? I can speak understandingly about it, for I was connected with, and of it, from the start? Benevolent men looked abroad over that great city and saw children taken up for crimes, associated with felons, and there joined with the school of vice to be made perfect in its tortuous ways, without redemption or hope of redemption. Their hearts bled over the spectacle; and they met together and consulted as to what could be done. They held a public meeting and took up a subscription, amounting, on that night only, to the sum of sixteen hundred dollars. In less than three months this sum of sixteen hundred dollars was increased by voluntary contributions, to the sum of sixteen thousand. And then what did they say? We cannot get on this matter; we cannot carry out our benevolent object of taking these young culprits, who, if left to the law, are certain to occupy our bridewells and our houses of correction, we cannot do any thing for them without corporate powers; and we must, therefore, ask

the Legislature to give us a part of the sovereign power of the state.

We came to the Legislature, and the Legislature gave us a part of the sovereign power. They are now a corporation of which, if any of you were in a foreign land, you would be proud and happy to boast; it is one of the jewels of the country. It has gone on; it has received the bounty of this Legislature; it has received from it its daily bread and support, and yet the directors are not chosen by the people. They are chosen by their associates, and experience proves that it is a good mode of carrying out the contemplated objects, and yet, if we are to have this doctrine all at once established that nothing is consistent with republicanism or democracy that does not come directly from the people, the House of Refuge must be destroyed, we must next have the schoolmaster elected by the people. Sir, let us act like men of sense; we must use the advantages we have, and keep our eye steadily upon the great end we have in view,—to wit, the amelioration of society, the education of the children of the state—and it is surely wise to employ the best means we have for the accomplishment of this object.

Look at the institution for the blind; look at the institution for the deaf and dumb. The name is legion of those associations and corporations, composed of philanthropic individuals, to which a part of the power of the people is granted. I would not enter the arena here to declaim against, or to advocate corporations. I have nothing to say about monied corporations: I have nothing to say as to the cry against those corporations, whether it is right or wrong, that is not the question; but I am here to contend that men have the right, and that it is their duty to associate together, and that if they cannot carry out the objects of their association without corporate powers, it is wise and proper, that the legislature should impart those powers. Your churches, your every thing which comforts, and heals, and blesses the land, are in this sense corporations, and the Public School Society is among the number.

But it is said that one million of dollars have been expended. Well, now, in speaking of the manner in which this money has been appropriated, the Secretary might have shown, if he had enquired or looked into the reports, that about three hundred thousand dollars of the amount is in property now held for the purposes of common school education; consisting of buildings and other property, in real and personal estate. It may be said that it is dangerous for a corporation like this to hold a large amount of property. If the committee please, this is a danger of which the society has been sensible, and years ago (as the record on their minutes will shew) they offered to deed all this property to the Common Council, and to take a lease from them, to use it for special purposes of education. The society is willing at this moment to execute such a deed, but the Corporation of the city of New-York have uniformly said: "Gentlemen you manage your property better than we manage ours." We have business enough—keep it. We have pressed the matter upon them. It is now an offer before them which they can accept at any time. But the confidence which that corporation, from year to year, and without respect to the politics of the members composing it, has had in this institution, has induced them not to accept the

offer. And, I am here on the part of the Society, to say, that they are willing to submit to any legislation or restriction upon this subject, which, upon consultation, shall be deemed wise and beneficial, and calculated to promote and secure the grand object of universal common school education. This is a matter about which there can be no difficulty; and if the Secretary of State, or if this committee will sit down with a committee of the board, and regulate this matter, it can be put in the same shape (whatever that may be, and I do not precisely know what it is) as the asylum for the blind, the asylum for the insane, or any other institution, having buildings or property, towards the purchase or erection of which the state has contributed.

I do not know how the property of these institutions is fixed or held, but any mode which the legislature or the Corporation of the city of New-York may designate, and which is applied to other institutions for kindred objects, will be acquiesced in by the Public School Society.

I have spoken of the fact, that there have been no objections made to the schools; but if there are dangers to be apprehended, it is wise in the Superintendent to discern them from afar. He stands as a sentinel on the watch-tower, and it is his duty to look ahead and to see what danger may come. I have spoken of the consequences which may possibly grow out of the system, but I repeat that as yet nothing of an injurious character has been discovered. There has been no complaint made of the actual operation of the schools, but something has been said in their favour; and, I propose now, by the leave of the committee, to submit from public documents some of those favourable things which have been said.

The School Commissioners are a body of men, chosen one for each Ward by the Corporation, whose business it is to visit these Schools and report upon them. The law of 1824 makes it necessary that these School Commissioners shall not belong to the Public School Society: the object being to have an impartial board. And, I may say of the present School Commissioners, that there are no gentlemen more respectable, and these gentlemen were competent to judge of such matters. They do visit the schools, and I will now read a short paragraph from their report of July the 27th, 1840. They say: "The qualifications and efforts of the teachers employed, and the course of literary instruction in the schools, continue to deserve the approbation of the Commissioners.—Without intending to detract from the acknowledged merits of the many worthy individuals who devote themselves to the education of youth in the numerous pay schools scattered throughout the city, the Commissioners may be allowed to express their belief, that generally the schools supported from the school-money, will not, as regards the progress of the pupils in the several branches taught there, nor on the score of legitimate discipline, suffer by a comparison with any others in this metropolis."

I have mentioned (continued Mr. K.) that the committee of the corporation of the city of New-York, when they had this matter under investigation, thought it their duty, before they reported, to visit the schools; they did so, and this is what they say. "The different classes examined in several schools by your committee, exhibited an astonishing progress in geography, astronomy,

arithmetic, reading, writing, &c.; and indicated a capacity in the system for imparting instruction far beyond our expectations: and, though the order and arrangement of each school would challenge comparison with a camp under a rigid disciplinarian, yet the accustomed buoyancy and cheerfulness of youth and childhood, did not appear to be destroyed in any one of them. Such were the favorable impressions forced upon our minds, by a careful examination of the Public Schools. It is due to the Trustees to add, that not one of our visits was anticipated, and no opportunity was afforded to any of the teachers for even a momentary preparation." Again: "The Public School buildings are constructed upon a uniform model; the books used are the same in all the schools, and the classes and departments in each are so similarly constituted and provided, that the removal of a pupil from one school to another, will not interrupt his studies or retard his progress."

Now (continued Mr. K.) here is an advantage which those who live in the city of New-York understand and appreciate, and which a system contemplating the formation of schools by small masses, never can have. Here is a system suited to a migratory population. All the books, all the forms, all the lessons, are the same; and, if a child removes from one ward to another, he can be put in the class corresponding to that which he left, and he stands upon the same footing. The black board is the same, the exercises are the same: every one knows the advantage of continuing on the same course of education which has been begun, if it was judicious in the first instance. But what does this new system contemplate? It contemplates the destruction of this peculiarity; and this report of the Secretary goes on to speak of the advantages of the system pursued in the country. GENTLEMEN, THE POOREST CHILD IN THE CITY OF NEW-YORK HAS ADVANTAGES IN THE WAY OF EDUCATION, OF ELEMENTARY EDUCATION, WHICH ARE DENIED TO NINE-TENTHS OF THE SONS AND DAUGHTERS OF THE FARMERS OF THE STATE OF NEW-YORK.

I challenge an investigation on this point; and I maintain that no committee of this, or of the other house, can act understandingly until they have visited these schools. They must do as the committee of the Common Council did, go and see for themselves. Why, then, should we then change the system?

But it is said, and said too in this report of the Secretary, that he proposes to retain these Public Schools. How retain them? One of the features of the proposed new law is, that all school monies shall be paid to the teachers. Under such a law we cannot live a day—not a day. We have to buy stationery and books—we have to build school-houses. We have large schools, and the surplus, after the payment of teachers, goes to the erection of school-houses, and the purchase of books and stationery. What do you think is the expense in the city of New-York of educating a child; not alone the expense of which I have spoken, but of furnishing books, slates and other stationery, and of fuel and repairs—not rent—but repairs of school-houses? The expense for one year is less than five dollars a scholar. For five dollars a whole year, this education, with all the necessary stationery, books, slates and fuel, is furnished. I say, if we are only to receive pay for our teachers, we cannot exist a day.

There is another point. After the passage of the law of 1824, upon an investigation made at that time as to the condition of some of the destitute part of our population, a representation was made by the Public School Society, and after the corporation had excluded religious societies, the Public School Society exerted themselves in behalf of the cause of education, and induced a large number of the most considerable property holders of the city of New-York, to petition to be taxed for the purpose of carrying out this system, and of extending it.

They petition the Corporation to be taxed.—Sir, if ever there was a people borne down by taxes, it is the people of the city of New-York who have property, and yet, strange to say, men who paid from one hundred to two thousand dollars annual taxes, confiding in these trustees, and desirous of carrying out this system of education, under the direction of these trustees, came forward at their instance, and prayed the corporation to tax them more. A memorial, for which I sought in vain with a view of bringing it here, but which could not be found—shows the names of these petitioners—names which will be familiar to some of the members of this committee. Here you have a perfect anomaly! You can hardly produce a similar case in any country. The petitioners, I say, came forward and prayed to be taxed, at the instance of the Public School Society, for the purpose of carrying out the system:—men who could not look to secure any person a benefit, because they did not send their own children to these schools. The consequence was, that the tax was laid, and it produced the sum of \$72,000 annually; only half that amount, however, was raised by our Common Council last year under that head.

Since (excepting in the year 1840, as above stated) this tax was imposed, it has yielded annually the sum aforesaid of \$72,000. Now, if we are to adopt this plan of election by the people; if the system is to be so extended as to be made like that which prevails in the country, we must adopt the whole and not a part only of that system; we must have all if we have any of it; and this sum of thirty-six thousand dollars thus raised by this tax, must be cut off. These petitioners have a right to say, "gentlemen, the contract is violated, for although you may anticipate great evil in trusting this money to this corporation, yet it was by reason of our reliance upon this Public School Society as our almoners, that we asked to be taxed:—now, off with the tax;—let us have the system as it is in the country, and see what will become of the Public Schools."

The amount received from special tax was during the last year 36,075 00 dollars, and if we are to have the country system, that tax is relinquished; and then the money is to be given out to commissioners, for to school districts in the small mass, to use the language of this report; for instance, we are to have commissioners elected in each ward, they are to partition the ward out into school districts. These districts are to elect Trustees. If there is not money enough received from the state, and fund enough added to that which is laid by the general tax, then these small masses must be taxed to build up school houses and to make up the deficiency. This I understand to be the operation of the system in the country. These trustees are to lay a tax (to make up the deficiency,) upon the

property holders, and in this way we are to have small masses governed by these trustees. We are to have such religion as the majority may choose, and such books as the majority may choose, and the whole of this system which has been so well tried, and has been productive of such good fruits, is to be exchanged for a new one. For I maintain that unless there is some very special provision not contemplated on the face of this Report, the Public School system of the city of New-York as now constituted, cannot stand. You must either have the system as it is in the country, or our system as it exists at present in the city.

Now, is the committee prepared to report, and will the Senate be prepared to adopt such a report; one that shall cast off this system which has been tried and approved, and that we shall "fly to something that we know not of?" Will they decide that the agents to whom the city of New-York gave this power some sixteen years ago, have been faithless to their trust, and that the power shall be restored to the Legislature? Will they decide that they have now leisure to bestow more attention on this subject, and to look more into the details than their predecessors had? It was an argument which forced itself strongly on the consideration of the Legislature of 1824: "We cannot understand this matter; it is local; it is different in some respects from any thing we have in the country. We cannot well judge of it, and we will leave you to settle it among yourselves." But if the Legislature of the present day has discovered a new mode of doing business, so that it can take upon itself a little more legislation for the city of New-York—very well: I shall be glad to find that it is so. I shall be glad to find that this Legislature does not feel the same pressure of business that its predecessors felt in 1824, and that it can enter into these matters more minutely. We had no disposition to take the subject into our hands then, and we have no disposition that the Legislature should take it back now. The people in New-York understand the subject, and the Roman Catholics cannot say that they will not be heard as well there as here. Why not leave the matter to us, the people of the city of New-York? If you

choose to have commissioners elected by the people instead of being chosen by the corporation, I say "Amen;" very well; enlarge their powers if you choose; have the inspections and examinations more frequently if you choose, by the agents of the people, chosen by the direct votes of the people. But let us not disturb a system more healthful, and beautiful, and effective, as a system, than any other where the English language is spoken. There is nothing to be compared to it. If it shall be destroyed—if our Catholic brethren, of whom I wish to speak with great respect, have found so powerful an auxiliary in the honorable Secretary of State, that they shall be able to carry out their purposes here, and these schools should in consequence be destroyed, that officer will gain a renown which will go down through all time. But I should prefer the renown of him who fired the Ephesian dome to that renown.

Mr. Chairman, the Public School Society have come here once more to plead for the seminaries of elementary instruction under their charge. Sixteen years gone by they passed through one trying scene; the contest was long, arduous, and severe, and their hearts began to fail, and their hands to tire, but they succeeded then. Now the contest is renewed, and the trustees engage in it with extreme reluctance; they have no personal interests to advance, and they are very unwilling to be put in hostile array against any of their fellow citizens. They are men of peace, their ends and purposes are all peaceable; they desire as servants of the people, to do some good to the rising generation if permitted; they are willing to visit the schools, to foster them, to collect in them the destitute and the outcast, but they abhor controversy. If the Public School Society shall be permitted to go on, as in former years it has gone on, I cannot doubt there will always be found a class of citizens, who, competent and efficient, are willing to volunteer their services in advancing the cause of education, and under the careful and searching supervision of agents chosen by the people, I hope the trustees and their successors, may be permitted for ages to come, to continue their benevolent labors.

Ex Libris

SEYMOUR DURST